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Return To: Same as above

Parcel Nos. 18-1-108; 18-1-108.1

**EAST COVENTRY TOWNSHIP  
CHESTER COUNTY**

**RESOLUTION NO. 2015 - 22**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
EAST COVENTRY TOWNSHIP, CHESTER COUNTY,  
PENNSYLVANIA, GRANTING APPROVAL OF A  
PRELIMINARY SUBDIVISION AND LAND  
DEVELOPMENT PLAN SUBMITTED BY REAL PRO  
ENTERPRISES, LP FOR THE WHISPERING WOODS  
SUBDIVISION LOCATED ALONG SPIECE ROAD, OLD  
SCHUYLKILL ROAD AND ELLIS WOODS ROAD IN EAST  
COVENTRY TOWNSHIP.**

**WHEREAS**, Real Pro Enterprises, LP (the “Applicant”) is the equitable owner and developer of two certain tracts of land consisting of approximately 35.429 acres situate in East Coventry Township, Chester County, Pennsylvania (the “Township”), with frontage on Spiece Road, Old Schuylkill Road and Ellis Woods Road (the “Development”); and

**WHEREAS**, the Development is more particularly shown on plans prepared by Langan Engineering & Environmental Services (hereinafter, “Langan”), being plans consisting of forty six (46) sheets dated November 26, 2014, with a final revision date of October 28, 2015 (the “Plans”); and

**WHEREAS**, a schedule of the individual sheets, drawing title and final revision date for each sheet comprising the Plans is attached hereto as Exhibit “A” and incorporated herein by reference; and

**WHEREAS**, the Plans have been reviewed by the Chester County Planning Commission, the Township Planning Commission, the Township Engineer, the Township Planner, the Township Traffic Engineer, the Township Fire Marshal, the Township Parks, Recreation and Conservation Committee, the Township Solicitor and other Township advisors, and have been found acceptable subject as herein below provided.

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** by the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania, as follows:

**SECTION A.           AUTHORITY; SHORT TITLE; DEFINITIONS.**

1.       This Resolution is adopted pursuant to and in accordance with the Subdivision and Land Development Ordinance of 2011 (Ordinance No. 179) enacted August 8, 2011, as amended through Ordinance No. 196 enacted August 12, 2013 (collectively, the “SALDO”), as set forth in Chapter 22 (Subdivision and Land Development) of the Code of Ordinances of the Township of East Coventry.

2.       This Resolution shall be known and may be cited as the “Resolution for Preliminary Plan Approval for the Whispering Woods Subdivision.”

3.       Except as may be otherwise provided herein and/or if the context clearly indicates otherwise, all words and phrases appearing in this Resolution, which also appear in the SALDO, shall have the same meanings in this Resolution as in the SALDO.

**SECTION B.           WAIVERS.**

1.       The Board of Supervisors hereby waives strict compliance with the following provisions of the SALDO, on and subject to the terms and conditions set forth in this Resolution:

a. SALDO §304.3.C requiring a separate Site Context Map be provided, on the condition that the final plans include the Table on page 2 from the Applicant's Waiver Request Letter dated September 1, 2015.

b. SALDO §304.3.A(16), which requires that the Applicant identify the location and dimensions of all trees of 8" DBH or greater, to allow the Applicant to not identify trees of eight inches (8") DBH or greater in the portion of the Development located on the west side of the stream, on the condition that the Applicant fell any dead trees or trees encroaching upon the adjacent properties in the area of the single-family residences at the southwest corner of the Development and that the homeowners association be responsible for the future removal of dead or fallen trees.

c. SALDO §304.3.G requiring the four-step design process be completed by the Applicant.

d. SALDO §304.3.H requiring a separate site analysis map be provided, on the condition that the final plans include the Table on page 3 from the Applicant's Waiver Request Letter dated September 1, 2015.

e. SALDO §403.1.B requiring that side lot lines be at right angles to straight street lines and radial to curved street lines in order to allow the following lots to meet the right-of-way at angles other than right angles or radial to curves: Lots 1-12, 20-21, 27-30, 33-37, 45-68, and 74-80, on the condition that the final plans include a Table showing the minimum standard being requested for each of the affected lots.

f. SALDO §406.1 as it pertains to Ellis Woods Road to permit the Applicant to reduce the required paved cartway half width from 14 feet to 12 feet and the required shoulder width from 8 feet to 3 feet.

g. SALDO §406.1 as it pertains to Spiece Road, which requires a paved cartway half width of 14 feet, to permit the Applicant to keep the existing cartway half width of approximately 12.5 feet.

h. SALDO §426.3.B to permit the Applicant to dedicate active recreation area with slopes greater than three percent (3%), on the condition that the maximum slope not exceed ten percent (10%) and the average slope be less than five percent (5%).

i. SALDO §427.4.B to permit the Applicant to provide a 0.4 footcandle average rather than a 0.4 minimum, with a minimum lighting intensity of 0.0 footcandles, on the condition that the final plans provide for lighting in conformance with Lighting Compliance Exhibit Drawing No. EX-1 prepared by Langan dated November 26, 2014, last revised October 28, 2015, a copy of which is attached to this Resolution as Exhibit "B" and incorporated herein by reference.

j. SALDO §428.8.C.2 requiring that street trees be planted not less than 40 feet nor more than 60 feet apart, to allow the Applicant to provide for the spacing of street trees at a minimum distance of 25 feet and a maximum distance of 112 feet.

k. SALDO §429.2.D(2)(d) to modify the slope requirements for community trails to allow approximately 25% of the trail to exceed 4.65%, but with no slopes greater than 8%, on the condition that landing areas in conformance with the Americans with Disabilities Act Guidelines be incorporated into the trail design in the 8% slope areas.

l. SALDO §428.9, which requires landscaping for every 100 lineal feet of existing tract boundary, to permit the Applicant to not install boundary landscaping for the length of the northern and southern tract boundaries of Parcel No. 18-1-108.2 owned by the

Philadelphia Electric Company (“PECO”) adjacent to the Development, with a distance of approximately 2,725 linear feet.

m. Section 5.1.A of the East Coventry Township Standard Construction and Material Specifications for Public Improvements (hereinafter, “Standard Construction Improvement Specifications”) to permit the Applicant to provide a three horizontal to one vertical (3:1) slope between the sidewalk and top of curb and to locate the outside edge of the sidewalk along the proposed Old Schuylkill Road ultimate right-of-way, on the condition that the tree planting locations be shifted as necessary to provide a minimum of three (3) feet between the planting and the inside sidewalk edge.

n. Standard Construction Improvement Specification §7.2.F, which requires that headwalls and endwalls be constructed of reinforced concrete, minimum 4,000 psi, to permit the Applicant to install high-density polyethylene endwalls in place of reinforced concrete for Basins A, B and C.

o. Standard Construction Improvement Specification §8.3.C to permit the Applicant to construct Basins A, B and C with slopes of three horizontal to one vertical (3:1), on the condition that the final plans move the proposed wall in Basin A to the cut side of the basin away from the embankment side of the basin (similar to Basin C) and provide additional fencing in Basins A and C on top of the proposed retaining walls.

**SECTION C. CONDITIONS OF PRELIMINARY PLAN APPROVAL.** Approval of the Plans is hereby granted subject to the following conditions:

1. The Open Space Management Plan submitted by the Applicant in accordance with Zoning Ordinance §1404.A(6)(i) shall be revised to include the following:

a. An open space committee shall be created by the homeowners association to oversee the management of the open space and natural resources.

b. The last sentence of the Introduction in Section 1 shall be revised to cite Zoning Ordinance §807, Open Space Option.

c. The Description of Open Space provisions in Section 2 shall be revised to state a total open space area of 23.7 acres consistent with the calculations shown on the Plans.

d. The Management and Maintenance Plan provisions in Section 3 shall be revised to provide that hazard tree inspections shall be carried out annually and that assessments of the remainder of the woodlands and meadows shall be performed at least once every three years. In addition, Section 3 shall be revised to state "...consultants which may be needed include, but are not limited to..."

e. The Multipurpose Field and Lawn Area provisions in Section 4.1 shall be revised to include the sides of the multi-use trail. A mown strip of 3 feet to 4 feet in width shall accompany the trails in order to keep meadow vegetation from encroaching on the trail.

f. The DCNR list of invasive plants as referenced in Section 4.5 Trees/Woodlands shall be included as an exhibit to the Open Space Management Plan. Additional site plan exhibits, as appropriate, shall be provided with the open space narrative. In addition, the second paragraph of Section 4.5 shall be revised to include the phrase, "or similar" when referring to the DCNR invasive species list.

g. Section 4.5 shall be revised to require annual hazard tree inspections as a separate requirement. The tree inspections shall identify potential threats to the health, safety and welfare of Township residents.

h. The second paragraph of Section 4.5 shall be revised to remove the phrase "must be monitored closely during the annual inspection," and replace it with "should be replanted with native species." Additionally, the last sentence of said paragraph shall be revised to state "...to ensure that the invasive species does not re-establish itself."

i. The third paragraph of Section 4.5 shall be revised to remove the word "coordinate" and replace it with "be responsible for". Additionally, the Open Space Management Plan shall be revised to clarify that trees required to be planted as part of the Development and those that die due to construction of the Development are required to be replaced, but that trees within the natural areas that die shall be replaced, left in place or otherwise managed on a case by case basis in accordance with the recommendations of the landscape professional implementing the management plan.

j. The third paragraph of Section 4.5 shall be revised to remove the sentence "Plantings should be maintained to prevent excessive growth from extending onto adjacent properties." The Open Space Management Plan shall be revised to provide that pruning and maintenance at property lines shall be undertaken on an as-needed basis.

k. The Meadow Area provisions in Section 4.6 shall be revised to correct the seed mix name to show ERNMX-153 and to augment the species list by including the common names of species. Additionally, the species and seed mix ratios listed in the Open Space Management Plan shall be revised to conform to those identified on Sheet No. LP-501 of the Plans and as currently listed on the Ernst Conservation Seed website. Further, the following sentence shall be removed: "During the establishment year, mow if weed height exceeds meadow mix height." Instead, Section 4.6 shall provide that the first mowing shall occur when the meadow reaches an average height of 18 inches to 24 inches.

1. The section titled “Activities Prohibited within Open Space Areas” shall be renumbered as Section 4.7. In addition, the provisions in Section 4.7 shall be clarified to provide that no motorized vehicles shall be permitted anywhere within the open space and that bicycles (including mountain bikes) shall only be permitted on the trails and may not be used off of paved surfaces.

2. The final Open Space Management Plan, including the narrative and site plan exhibits, shall: (i) be signed by the Applicant; (ii) be in recordable form; and (iii) specifically provide that the obligations contained therein are covenants running with the land and shall be binding upon the Applicant, the homeowners association, and their respective successors and assigns. The Open Space Management Plan shall be recorded in the Chester County Recorder of Deeds’ Office (hereinafter, the “Recorder’s Office”) immediately following the recording of the final plans in accordance with Zoning Ordinance §1404.A(6)(i)(iii).

3. The final plans shall provide for relocation and installation of the tot lot recreational improvements on the northern parcel of the Development (i.e., Parcel No. 18-1-108.1) behind the townhome units.

4. The final plans shall provide for a landscape screen around the outer perimeter of the seven (7) small parking areas off of Wil-Be Drive as required by SALDO §428.6.A. The calculations and compliance map shown on the final plans shall be revised accordingly. In addition, the final plans shall provide for a landscape buffer along the east side of Lot 33 that conforms to the requirements of SALDO §428.

5. The following items shall be corrected on the final plans prior to their submission by the Applicant for approval:

- a. Plan Sheet No. LP-102 shall be corrected as follows:

(i) The label reading "2 CXO" shall be removed from the buffer area near the intersection of Old Schuylkill Road and Ellis Woods Road. However, the planting symbols shall remain.

(ii) A group of nine (9) shrubs to be planted along the trail (located beneath a group of four (4) Shagbark Hickories) shall be labeled.

b. The graphic pavement detail on Plan Sheet No. 20 shall be revised to depict a reference to the base course.

c. The curb and sidewalk detail on Plan Sheet No. 20 shall be revised to indicate 3,500 psi concrete. In addition, a note shall be added to the curb and sidewalk details stating that all construction standards of the Standard Construction and Improvement Specifications, including §5.2.D and §5.3.F thereof, shall be implemented during the construction process.

d. The Note on Plan Sheet No. 14 pertaining to variance approvals shall be revised to add a reference to Zoning Ordinance §404.C.

e. The request for a waiver of SALDO §304.3.A(16) shall be added to the Waiver Request Matrix on Plan Sheet No. 1.

f. The waiver request for SALDO §426.3.B in the Waiver Request Matrix on Plan Sheet No. 1 shall be revised to state: "with a maximum slope of eight percent (8%) and an average slope of less than five percent (5%)".

g. The following language shall be added to the waiver request for SALDO §429.2.D(2)(d) in the Waiver Request Matrix on Plan Sheet No. 1 after the words "in some locations" and before the words "but no greater": "totaling approximately 812 feet".

h. The Lot Line Deviation Table on Plan Sheet No. 14 shall be revised to include Lots 20, 45, 50- 52, 56-57, 62-64, 68 and 74. Additionally, the Waiver Request Matrix on Plan Sheet No. 1 shall be revised to include these lot numbers.

i. The directional arrow references shall be corrected, to the extent appropriate.

6. The boundary survey certification, with an error not exceeding one (1) foot in twenty-five thousand (25,000) feet, shall be added to Plan Sheet Nos. 10 through 14 as required by SALDO §304.3.A.(12). The survey information related to the southern tract, as noted on Plan Sheet No. 3, shall be clarified to the satisfaction of the Township Engineer as to not only when an actual field survey was completed for the Development but also the relationship of the rebar found along the westerly boundary. Additionally, the Applicant shall perform additional field survey work prior to its submission of the final plans in order to accurately identify the location of the westerly property line. Finally, the Applicant shall provide written confirmation satisfactory to the Township Engineer that the Development meets the requirements of the open space option pursuant to Zoning Ordinance §807.

7. The boundary survey shall be signed and sealed by the Professional Land Surveyor registered in the Commonwealth of Pennsylvania responsible for its preparation to satisfy the requirements of SALDO §304.3.A(3), §304.3.A(26) and §305.3.B(1)(n) prior to recording the final plans at the Recorder's Office.

8. The certification of accuracy on the final plans shall be signed prior to recording the final plans in accordance with SALDO §304.3.A(26).

9. All signature blocks on the final plans shall be fully executed prior to the recording of the Plans at the Applicant's expense at the Recorder's Office.

10. The Applicant shall file an NPDES permit application with the Chester County Conservation District as required by SALDO §306.1.B.(5)(a).

11. A copy of the NPDES stormwater permit issued by the Pennsylvania Department of Environmental Protection shall be furnished to the Township before the Township releases the final plans for recording in accordance with SALDO §306.1.

12. A Land Development Agreement, including financial security provisions, and a Memorandum of Land Development Agreement, each in form and substance acceptable to the Township Solicitor, shall be prepared by the Township Solicitor and executed by the Applicant before the Board of Supervisors signs the final plans and releases same for recording in accordance with SALDO §309.

13. The Applicant shall submit an improvements cost estimate to the Township for review and approval by the Township Engineer in accordance with SALDO §310.6. The Applicant shall post financial security, as described in the Land Development Agreement, with the Township to cover the cost of construction of all improvements in accordance with SALDO §310 and §601.3.

14. A Letter of Adequacy or evidence of approval of an Erosion and Sediment Control Plan from the Chester County Conservation District shall be furnished to the Township before the Township releases the final plans for recording in accordance with Section 121.3.B of the East Coventry Township Stormwater Management Ordinance (hereinafter, the "SWMO").

15. The Applicant shall reserve the required sewer capacity in accordance with the procedures established by the Township under SALDO §306.2.B.(2) and §421.1.

16. The Applicant shall revise the Plans to demonstrate that the proposed house side shields for the exterior lighting meet the "full cutoff" criteria of SALDO §427.4.B.2.D and §427.5.G; otherwise, the pole mounting heights shall not exceed ten (10) feet.

17. The Applicant shall provide trail signage on the final plans satisfactory to the Board of Supervisors as required by SALDO §429.1.D.(h).

18. The Applicant shall revise the Plans to provide for the installation of fence wiring on the outside of storm water basin fences for Basins A, B and C.

19. The Applicant shall relocate the two (2) existing utility poles situated along Ellis Woods Road, as necessary, to conform to the requirements of SALDO §423.4.

20. With the sole exception of building permits for model home foundations adjacent to either Spiece Road or Old Schuylkill Road, the construction sequence on the final plans shall: (i) provide that the entire length of Wil-Bbe Drive will be constructed up to and including the pavement base and binder courses prior to the issuance of any building permits for the construction of the individual lots in accordance with SALDO §430.1; and (ii) provide that construction of the trails and other recreational improvements shall commence on or before the issuance of certificates of occupancy for 50% of the proposed townhomes and shall be completed by no later than the issuance of certificates of occupancy for 60% of the proposed townhomes.

21. The final plans shall include all soil erosion control measures as required by SWMO §121.7. Erosion control measures shall be provided from headwall HW-3 to the stream. A note shall be added to the final plans stating that if the proposed erosion control measures downstream from headwall HW-3 do not adequately provide the necessary soil erosion control, as determined by the Township Engineer, additional soil erosion control measures satisfactory to the Township Engineer shall be provided by the Applicant.

22. Prior to releasing the final plans for recording, the Applicant shall provide an easement agreement from the owner of Parcel No. 18-001-0106, in form and substance satisfactory to the Township Engineer and the Township Solicitor, authorizing the downstream discharge of storm flow from headwall HW-3 to, through and across said owner's property. The easement agreement shall provide that the owner grants the owner of the Development and the homeowners association, their successors and assigns, an easement in perpetuity to discharge storm flow across said property. Any approvals required from other governmental authorities, if applicable, shall also be obtained.

23. The alternate basin outfall, as depicted on Revised Outfall Exhibit Drawing No. EX-1 prepared by Langan dated November dated November 2, 2015, a copy of which is attached to this Resolution as Exhibit "C" and incorporated herein by reference, shall be revised to: (i) provide soil erosion control measures to protect the sanitary sewer line; and (ii) move the pipe from MH-3 to MH-4A to the toe of the basin embankment. Additionally, the information provided on Exhibit "C", as so modified, shall be added to Plan sheet No. 24.

24. The Post-Construction Stormwater Management Narrative, exhibits and calculations provided by the Applicant shall be revised to address all comments set forth in the Township Engineer's review letter dated November 17, 2015, including without limitation, the following:

a. An explanation satisfactory to the Township Engineer shall be provided as to why test pit inf-21 contains sand from a depth of 1 foot to 7 feet, and yet an infiltration test at a depth of 3 feet produced an infiltration rate of only 0.25 inches per hour, which appears to be erroneous information.

b. An acceptable drain time satisfactory to the Township Engineer. With an infiltration rate of 0.25 inches per hour at test pit inf-21, the design rate should only be 0.125 inches per hour, which would infiltrate only 9 inches in 72 hours. The orifice, at 24 inches above the bottom of the basin, would have an unacceptable design drain time of 192 hours.

c. It appears that there is approximately 45,400 square feet of permeable paving. The 3 inch high asphalt berms beneath the permeable paving will hold only 1 inch of water in the stone behind the berm. The effective storage volume for the stone beneath the permeable paving is therefore only approximately 3,783 cubic feet, not 34,992 cubic feet as shown in Appendix E. Additionally, since the permeable pavements only collect the rain which falls on them, during a 2-year storm of 3.22 inches, the pavements only collect 3.22 inches of rainfall, which for an area of 45,400 square feet would result in a maximum potential 2-year storm reduction of 12,182 cubic feet, not the 34,992 cubic feet shown in Appendix E. The actual 2-year reduction could be significantly less than this if the 1 inch of available depth behind the asphalt berms in the stone is exceeded based on the rainfall rate versus infiltration rate.

d. The Applicant shall revise the Plans to clarify where the inlets and sub-drains within the stone beneath the permeable paving (as shown in the permeable paving details) are located throughout the Development.

25. The Owner's Acknowledgment on Plan Sheet No. 29 shall be signed by the Applicant as required by SWMO §142.A.3.

26. The certification on Plan Sheet No. 29 shall be signed by a qualified licensed professional engineer in accordance with SWMO §142.A.4.

27. Prior to recording the final plans, the Applicant shall obtain an access easement from PECO, in form and substance satisfactory to the Township Solicitor, which shall be

recorded, to allow pedestrian access, ingress and egress through PECO's land to facilitate pedestrian travel between the two lots comprising the Development. A written agreement from PECO to provide the access easement, in form and substance satisfactory to the Township Solicitor, shall be obtained by the Applicant prior to submission of its final plan application.

28. The Applicant shall obtain written authorization from PECO in form and substance satisfactory to the Township Solicitor to widen and construct curb and sidewalk on the frontage of the PECO parcel abutting Old Schuylkill Road prior to submission of its final plan application.

29. The Applicant shall provide an Open Space and Trail Maintenance Agreement between the homeowners association and the Township as part of the Applicant's final plan submission, which shall be satisfactory in form and substance to the Board of Supervisors. The Open Space and Trail Maintenance Agreement shall address ownership and maintenance of, and public accessibility to, the open space areas and the walking trail and shall be recorded immediately following the recording of the final plans.

30. The Declaration of Whispering Woods Planned Community for the homeowners association (the "Declaration") shall be revised to: (i) add a restriction that the wooded portions of Open Space Area A and Open Space Area B, as depicted on the Plans, shall be subject to a conservation easement and preserved in their natural state; and (ii) require that the homeowners association establish an open space committee to oversee the management of the open space and natural resources within the Development.

31. The Applicant shall provide the following documentation to the Township as part of the final plan submission relating to the formation and operation of the homeowners association, which shall be in form and substance satisfactory to the Township Solicitor:

a. All exhibits to the Declaration. The Declaration and all exhibits thereto shall be recorded on the same date as, and immediately following, the recording of the final plans;

b. Articles of Incorporation for the homeowners association, which shall be filed with the Pennsylvania Department of State prior to the recording of the final plans; and

c. Declaration Plats and Plans that satisfy the requirements of Section 5210 of the Pennsylvania Uniform Planned Community Act, 68 Pa. C.S.A. §5101 et seq., including the depiction of all improvements that must be built and the convertible real estate, which shall be recorded concurrently with recording the Declaration.

32. Unless the Development is conveyed to the Applicant prior to final plan approval, additional signature lines shall be added to the final plans to enable the four current co-owners of the Development to sign the record plans.

33. The Applicant shall submit a letter to the Township requesting that the Development be removed from Agricultural Security Area No. 1 prior to submission of its final plan application. The procedural requirements for such removal shall be fully completed by the Applicant at the Applicant's expense prior to the recording of the final plans.

34. A Stormwater Best Management Practices (BMPs) and Conveyances Operation and Maintenance Agreement (the "BMP Agreement"), in form and substance acceptable to the Township Solicitor, shall be executed and delivered by the Applicant, as Grantor, to the Township, as Grantee, and shall be recorded by the Township at the Applicant's expense in the Recorder's Office on the same date as and immediately following the recording of the final plans in accordance with SWMO §142.F(2) and §173. The BMP Agreement shall grant and convey to the Township, its contractors, agents, successors and assigns, an easement in perpetuity to those

areas on which the stormwater basins and other stormwater management facilities are located, as shown on the Plans, stormwater basin access easements, and a blanket access and maintenance easement to enter upon any portion of the Development for purposes of inspecting, maintaining, repairing and replacing the stormwater basins and other stormwater management facilities, as identified on the Plans, in the event that the Applicant, the developer or the homeowners association as owner of the lots on which such stormwater management facilities are located fails to do so. Legal descriptions for all easements shall be submitted to the Township for review and approval by the Township Engineer in accordance with SALDO §305.3.B(1)(g) and shall be attached to the appropriate legal documentation prior to recording such documents. A copy of the recording receipt shall be provided to the Township before any work associated with the Development may commence. The existence and applicability of the BMP Agreement shall be identified on the final plans. Appendix A of the BMP Agreement shall be completed prior to final plan approval.

35. Prior to recording the final plans, the Applicant shall obtain from PECO and provide to the Township a sight distance easement agreement establishing a sight distance easement on Parcel No. 18-001-0059.02, which agreement shall be in form and substance satisfactory to the Township Traffic Engineer and the Township Solicitor, and shall be prepared by counsel for the Applicant, executed by an authorized signatory of PECO, and recorded by the Township at the Applicant's expense immediately following the recording of the final plans.

36. All sanitary sewer improvements to be constructed on or within the Development shall be contained within dedicated roadways or legally described easement areas and offered for dedication to the Township. Easements shall be granted in favor of the Township, its successors and assigns, authorizing the Township to enter upon the Development to inspect, repair, replace

and maintain all sanitary sewer improvements located on or within the Development. Acceptance of dedication shall require the execution by the Applicant or developer of appropriate deeds of dedication and a bill of sale for the improvements being conveyed to the Township.

37. All stormwater conveyance systems and improvements to be constructed within the ultimate right-of-way along the western boundaries of Old Schuylkill Road and Ellis Woods Road shall be offered for dedication to the Township.

38. The Applicant's engineer shall prepare and provide legal descriptions in form and substance satisfactory to the Township Engineer for all easement areas and areas to be offered for dedication to the Township, as depicted on the Plans, including, without limitation, the following: (i) stormwater management facility easement areas; (ii) sanitary sewer easement areas; (iii) parking easement areas; (iv) sight distance easement areas; (v) access easement areas; (vi) the ultimate right-of-way along Old Schuylkill Road to be offered for dedication to the Township; (vii) the ultimate right-of-way along Ellis Woods Road to be offered for dedication to the Township; (viii) the trail easement area; and (ix) the roadway identified as Wil-Be Drive on the Plans. All legal descriptions, once approved by the Township Engineer, shall be provided to the Township Solicitor for attachment to the appropriate legal documentation prior to recording.

39. Prior to the Township releasing the final plans for recording, a Deed of Dedication in form and substance satisfactory to the Township Solicitor shall be executed and delivered by the Applicant and the owners of the Development, as grantors, to the Township, as grantee, granting and conveying fee simple title in perpetuity to the lands and road widening improvements constructed thereon constituting the ultimate right-of-way along the frontage of the Development on the westerly side of Old Schuylkill Road, as depicted on the Plans, in

accordance with SALDO §406.6 and §406.7. The Deed of Dedication shall be recorded by the Township at the Applicant's expense after all road widening improvements have been satisfactorily completed, as determined upon inspection by the Township Engineer, and the issuance of a certificate of completion for the improvements.

40. Prior to the Township releasing the final plans for recording, a Deed of Dedication in form and substance satisfactory to the Township Solicitor shall be executed and delivered by the Applicant and the owners of the Development, as grantors, to the Township, as grantee, granting and conveying fee simple title in perpetuity to the lands and road widening improvements constructed thereon constituting the ultimate right-of-way along the frontage of the Development on the westerly side of Ellis Woods Road, as depicted on the Plans, in accordance with SALDO §406.6 and §406.7. The Deed of Dedication shall be recorded by the Township at the Applicant's expense after all road widening improvements have been satisfactorily completed, as determined upon inspection by the Township Engineer, and the issuance of a certificate of completion for the improvements.

41. Prior to the Township releasing the final plans for recording, a Deed of Dedication in form and substance satisfactory to the Township Solicitor shall be executed and delivered by the Applicant and the owners of the Development, as grantors, to the Township, as grantee, granting and conveying fee simple title in perpetuity to that portion of the Development and the road improvements constructed thereon identified as Wil-Be Drive, as depicted on the Plans, in accordance with SALDO §305.2.E(3). The Deed of Dedication shall be recorded by the Township at the Applicant's expense after all road and sanitary sewer improvements have been satisfactorily completed, as determined upon inspection by the Township Engineer, and the issuance of a certificate of completion for such improvements.

42. Prior to the Township releasing the final plans for recording, the Applicant shall execute and deliver to the Township all deeds of dedication, bills of sale, easements and other agreements relating to roads, sanitary sewer or other improvements to be dedicated to the Township, to be held in escrow by the Township and recorded by the Township upon the earlier of acceptance of dedication of said improvements by the Township or a default by the Applicant or developer under the Land Development Agreement(s).

43. The final plans, following final plan approval, shall be fully executed and delivered to the Township and shall be recorded at the expense of the Applicant.

44. The Applicant shall pay to the Township a transportation impact fee in the amount of One Hundred Forty Two Thousand Three Hundred and 00/100th Dollars (\$142,300.00) prior to the issuance of any building permit for the Development, which shall be payable to East Coventry Township for deposit into the Township Traffic Impact Fee Fund, pursuant to the East Coventry Township Transportation Impact Fee Ordinance §305.

45. All recording costs and applicable taxes and fees, if any, shall be paid by the Applicant.

46. Consistent with Section 509(b) of the Pennsylvania Municipalities Planning Code (as amended), the completion of all conditions, the payment of all applicable fees and the funding of all escrows must be accomplished within ninety (90) days of the date of the resolution approving the final plans unless a written extension is granted by the Township. Until the conditions have been satisfied, the applicable fees have been paid and the escrows fully funded, the final plat or record plan shall not be signed nor recorded. In the event that the conditions have not been satisfied, the fees have not been paid and the escrows have not been funded within

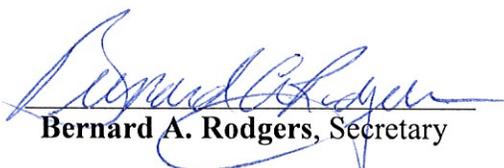
ninety (90) days of the date of said resolution, or any written extension thereof, the contingent approval shall expire and be deemed to have been revoked.

47. Under the provisions of the Pennsylvania Municipalities Planning Code, the Applicant has the right to accept or reject conditions imposed by the Board of Supervisors upon preliminary approval. The Applicant shall signify its acceptance of the conditions contained herein by signing a copy of this Resolution and returning it to the Township within thirty (30) days of the date of this Resolution. In the event execution of this Resolution is not delivered to the Township office by 12:00 p.m. on January 13, 2016, or if the Township receives written notice of an appeal or rejection of any of the conditions set forth herein within thirty (30) days from the date of this Resolution, this approval and the waivers granted in Section B, Paragraph 1 hereof (which waivers are granted contingent upon the acceptance of the conditions set forth herein) shall be deemed to be automatically rescinded and revoked and the application shall be considered denied based upon the failure to fully comply with all of the sections set forth in Section B, Paragraph 1, all as authorized by Section 508 of the Pennsylvania Municipalities Planning Code.

**SECTION D. EFFECTIVE DATE.** This Resolution shall be effective immediately upon the adoption hereof.

**APPROVED** at the public meeting of the East Coventry Township Board of Supervisors held on December 14, 2015.

**EAST COVENTRY TOWNSHIP**

  
\_\_\_\_\_  
**Bernard A. Rodgers, Secretary**

By:   
\_\_\_\_\_  
**Ray A. Kolb, Chairman**

By signing below, the Applicant accepts and consents to all of the terms and conditions of approval contained in the foregoing Resolution Granting Preliminary Subdivision and Land Development Approval.

APPLICANT:

REAL PRO ENTERPRISES, LP

Date: 12/20/2015

By:   
Clayton Heckler, Pres., General Partner

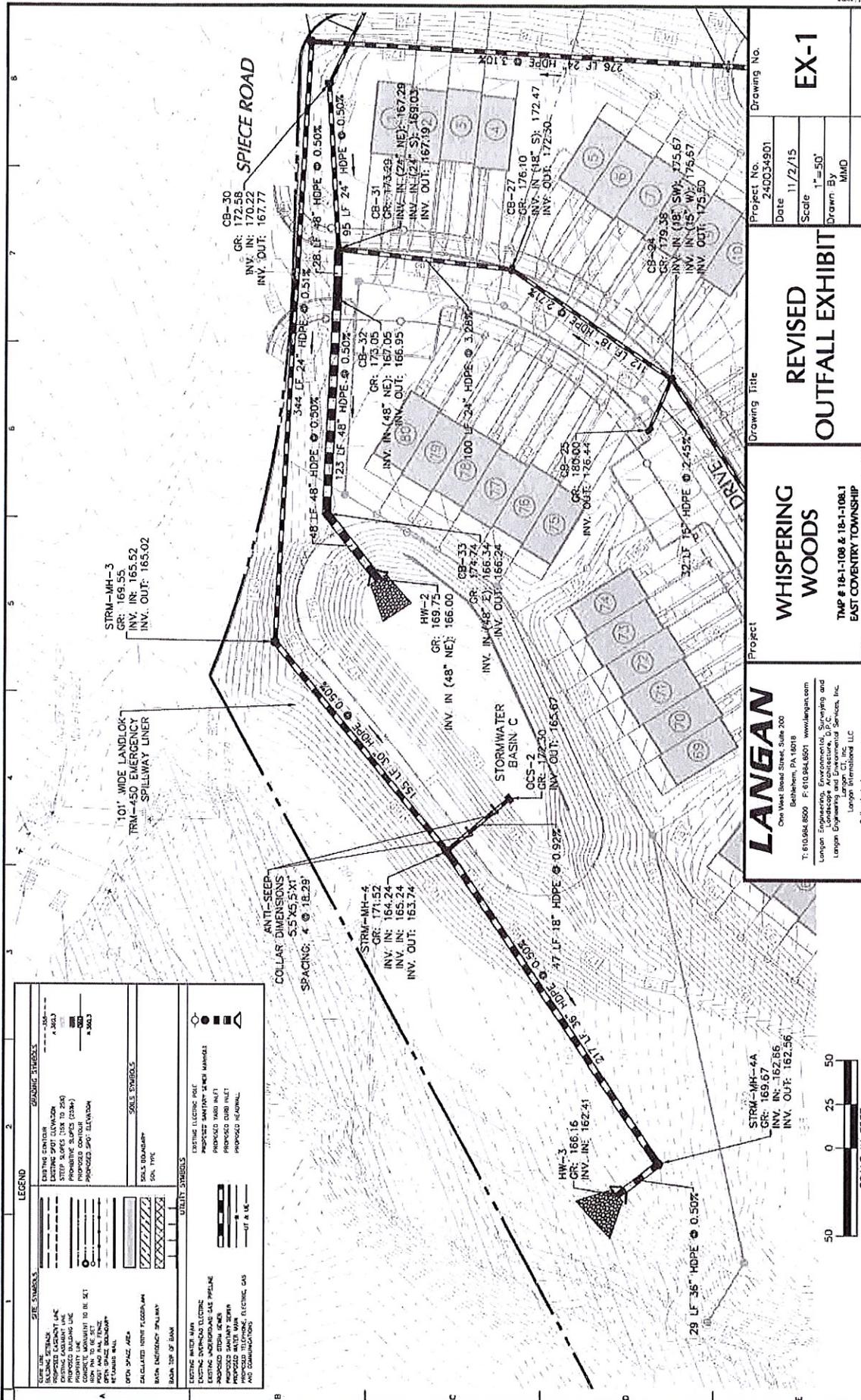
## EXHIBIT "A"

### ENUMERATION OF THE APPROVED PRELIMINARY LAND DEVELOPMENT PLANS FOR THE WHISPERING WOODS SUBDIVISION.

Page No.	Drawing No.	Drawing Title	Date
1	GI-101	COVER SHEET	10/28/2015
2	VL-101	ALTA/ACSM LAND TITLE SURVEY	10/28/2015
3	VL-102	ALTA/ACSM LAND TITLE SURVEY	10/28/2015
4	WC-101	NATURAL AND CULTURAL RESOURCES ANALYSIS	10/28/2015
5	WC-102	NATURAL AND CULTURAL RESOURCES ANALYSIS	10/28/2015
6	WC-103	RESOURCE IMPACT AND CONSERVATION PLAN	10/28/2015
7	CB-101	SUBDIVISION PLAN	10/28/2015
8	CB-102	SUBDIVISION PLAN	10/28/2015
9	CB-103	SUBDIVISION PLAN	10/28/2015
10	CB-201	EASEMENT PLAN	10/28/2015
11	CB-202	EASEMENT PLAN	10/28/2015
12	CS-101	SITE PLAN	10/28/2015
13	CS-102	SITE PLAN	10/28/2015
14	CS-103	SITE PLAN NOTES AND TABLES	10/28/2015
15	CS-104	NET LOT AREA PLAN	10/28/2015
16	CS-201	FIRE TRUCK MOVEMENT PLAN	10/28/2015
17	CS-301	ELLIS WOODS ROAD WIDENING PLAN	10/28/2015
18	CS-302	OLD SCHUYLKILL ROAD WIDENING PLAN	10/28/2015
19	CS-501	CONSTRUCTION DETAILS	10/28/2015
20	CS-502	CONSTRUCTION DETAILS	10/28/2015
21	CS-503	CURB RAMP DETAILS	10/28/2015
22	CG-101	GRADING PLAN	10/28/2015
23	CG-102	GRADING PLAN	10/28/2015
24	CG-201	DRAINAGE PLAN	10/28/2015
25	CG-202	DRAINAGE PLAN	10/28/2015
26	CG-301	ROADWAY PROFILES	10/28/2015
27	CG-302	UTILITY PROFILES	10/28/2015
28	CG-303	UTILITY PROFILES	10/28/2015
29	CG-401	POST CONSTRUCTION STORMWATER MANAGEMENT PLAN	10/28/2015
30	CG-501	POST CONSTRUCTION STORMWATER MANAGEMENT DETAILS	10/28/2015
31	CG-502	POST CONSTRUCTION STORMWATER MANAGEMENT DETAILS	10/28/2015
32	CE-101	SOIL EROSION AND SEDIMENT CONTROL EXISTING CONDITIONS PLAN	10/28/2015
33	CE-102	SOIL EROSION AND SEDIMENT CONTROL EXISTING CONDITIONS PLAN	10/28/2015

34	CE-201	SOIL EROSION AND SEDIMENT CONTROL/CONSERVATION PLAN	10/28/2015
35	CE-202	SOIL EROSION AND SEDIMENT CONTROL/CONSERVATION PLAN	10/28/2015
36	CE-501	SOIL EROSION AND SEDIMENT CONTROL DETAILS	10/28/2015
37	CE-502	SOIL EROSION AND SEDIMENT CONTROL DETAILS	10/28/2015
38	CE-503	SOIL EROSION AND SEDIMENT CONTROL DETAILS	10/28/2015
39	CU-101	UTILITY PLAN	10/28/2015
40	CU-501	UTILITY DETAILS	10/28/2015
41	CU-502	UTILITY DETAILS	10/28/2015
42	LP-101	LANDSCAPE PLAN	10/28/2015
43	LP-102	LANDSCAPE PLAN	10/28/2015
44	LP-501	LANDSCAPE NOTES AND DETAILS	10/28/2015
45	LL-101	LIGHTING PLAN	10/28/2015
46	LL-501	LIGHTING NOTES AND DETAILS	10/28/2015





LEGEND	
<b>UTILITIES</b>	<b>GRAVIC SYMBOLS</b>
<ul style="list-style-type: none"> <li>EXISTING ELECTRIC PIPE</li> <li>EXISTING SANITARY SEWER MAINS</li> <li>PROPOSED 1200 INCH</li> <li>PROPOSED 36 INCH</li> <li>PROPOSED 18 INCH</li> <li>PROPOSED 12 INCH</li> <li>PROPOSED 6 INCH</li> <li>PROPOSED 4 INCH</li> <li>PROPOSED 2 INCH</li> <li>PROPOSED 1 INCH</li> <li>PROPOSED 1/2 INCH</li> <li>PROPOSED 1/4 INCH</li> <li>PROPOSED 1/8 INCH</li> <li>PROPOSED 1/16 INCH</li> <li>PROPOSED 1/32 INCH</li> <li>PROPOSED 1/64 INCH</li> <li>PROPOSED 1/128 INCH</li> <li>PROPOSED 1/256 INCH</li> <li>PROPOSED 1/512 INCH</li> <li>PROPOSED 1/1024 INCH</li> <li>PROPOSED 1/2048 INCH</li> <li>PROPOSED 1/4096 INCH</li> <li>PROPOSED 1/8192 INCH</li> <li>PROPOSED 1/16384 INCH</li> <li>PROPOSED 1/32768 INCH</li> <li>PROPOSED 1/65536 INCH</li> <li>PROPOSED 1/131072 INCH</li> <li>PROPOSED 1/262144 INCH</li> <li>PROPOSED 1/524288 INCH</li> <li>PROPOSED 1/1048576 INCH</li> <li>PROPOSED 1/2097152 INCH</li> <li>PROPOSED 1/4194304 INCH</li> <li>PROPOSED 1/8388608 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